

## **Public Notice**

Public Notice No. 07-34

Date:

April 12, 2007

Nashville District

Application No. 200700658

Expires: April 27, 2007

Please address all comments to:

Nashville District Corps of Engineers, Regulatory Branch

3701 Bell Road, Nashville, TN 37214

Attn: Floyd M. Carnes

## JOINT PUBLIC NOTICE US ARMY CORPS OF ENGINEERS AND COMMONWEALTH OF KENTUCKY

SUBJECT: Proposed Boat Launching Ramp and Access Road at Alligator Creek Mile 0.2, Right Bank, Cumberland River Mile 476.2, Right Bank, Lake Cumberland, Russell County, Kentucky

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA).** Before a permit can be issued, certification must be provided by the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Division of Water, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

APPLICANT: Kentucky Department of Fish and Wildlife Resources 1 Sportsman's Lane Frankfort, Kentucky 40601

LOCATION: Alligator Creek Mile 0.2, Right Bank, Cumberland River Mile 476.2, Right Bank, Lake Cumberland, Russell County, Kentucky (USGS ELI, KY Quadrangle; Long: 84-55-31.9; Lat: 37-0-30.2)

BACKGROUND: The United States Army Corps of Engineers (Corps) has lowered Lake Cumberland to Elevation 680.0 from its normal Elevation of 723.0 to relieve stress on Wolf Creek Dam and facilitate remedial work.

DESCRIPTION: The proposed work consists of constructing a new concrete public boat ramp at the relocated Alligator One Dock. The marina is being relocated to this new site due to the reduced

water levels at its' current location. The ramp would measure approximately 288' x 28' would extend to bottom Elevation 674.0. The ramp would be constructed in two sections. A 243' x 28' slab would be poured above proposed low water elevation of 680.0. The secondary slab measuring 45' x 28' would be pushed into place after curing. All concrete would be class "A" 4,000 PSI and reinforced with fiberglass mesh. Eight linear feet of riprap would be placed on either side of the ramp to prevent undercutting and provide stabilization. A 30' x 44' rock extension would be placed at the end of the ramp. The rock used at the extension would be class II rock. In addition to the ramp, an access road would be constructed. The access road would be approximately 24' wide and 440' long and composed of gravel and small stone. The access road would be below Elevation 723.0. Fill material for the access road would be obtained from on-site.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors

listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work. Water quality certification from the Commonwealth of Kentucky is required in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before April 27, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at: <a href="http://www.lrn.usace.army.mil/cof/notices.htm">http://www.lrn.usace.army.mil/cof/notices.htm</a>, or contact Mr. Carnes at the above address or phone number.









